



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

APR 17 2007

REPLY TO THE ATTENTION OF

R19-J

Honorable Debbie Stabenow
United States Senate
Washington, DC 20510-2202



Dear Senator Stabenow:

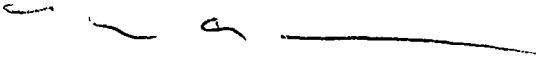
Thank you for your April 6, 2007 letter regarding the planned Time-Critical Removal Action (TCRA) at the former Plainwell Impoundment in the Allied Paper, Inc./Portage Creek/Kalamazoo River Superfund Site. This action includes the removal of approximately 132,000 cubic yards of PCB-contaminated paper residuals, sediments and soils ("materials") from the Kalamazoo River and placement of the materials into the Allied Paper Landfill ("Landfill") located in Kalamazoo. This Landfill is one of four on-site landfills that are a part of the site. In your letter, you specifically requested a response to several community concerns related to the TCRA. The response to these questions can be found in the enclosure to this letter.

We are aware of the concerns about disposing of these materials at the Landfill from both the City of Kalamazoo and community members near the Landfill. The United States Environmental Protection Agency (U.S. EPA) has decided to delay the start of the TCRA at the former Plainwell Impoundment until May 5, 2007. This will allow U.S. EPA, in consultation with the Michigan Department of Environmental Quality (MDEQ), to seek community input on the plans to dispose of PCB-contaminated materials excavated during the TCRA. U.S. EPA and MDEQ officials are scheduled to meet again with Kalamazoo officials on April 18, 2007. While we are confident that the cleanup and placement of the Plainwell Impoundment materials at the Allied Paper Landfill (Landfill) is safe and effective, we also recognize the need to take additional steps to earn the community's confidence.

Please be aware that U.S. EPA also met with several City of Kalamazoo technical and elected officials on April 2, 2007 to discuss the TCRA. This meeting was open to the public. Additionally, U.S. EPA is in the process of scheduling meetings to talk with individuals in the neighborhoods surrounding the Landfill. My staff will continue to work with the City of Kalamazoo and the neighborhoods surrounding the Landfill to ensure that all parties are presented with accurate factual information, and to help them understand the importance of the TCRA in eliminating this significant source of PCBs to the Kalamazoo River.

Again, thank you for your letter. If you have any further questions, please contact me or your staff may contact Mary Canavan or Phil Hoffman, the Region 5 Congressional Liaisons at (312) 886-3000.

Sincerely,



Mary A. Gade
Regional Administrator

Enclosure

cc: Honorable Hannah McKinney, Mayor, City of Kalamazoo
Steven Chester, Director, MDEQ
Jim Sygo, MDEQ
Andy Hogarth, MDEQ
Daria Devantier, MDEQ
Paul Bucholtz, MDEQ

Enclosure

As requested in your April 6, 2007 letter, the United States Environmental Protection Agency (U. S. EPA) responses to the specific concerns raised by the community are provided below.

It is my understanding that the PCB-contaminated sediments have concentrations of 200 parts per million (ppm), and the site where the sediments are to be disposed of, the Allied Paper Landfill, is not permitted by federal regulations to handle wastes with this concentration of PCBs.

The Landfill has existed for more than 50 years and contains approximately 1 million cubic yards of PCB-contaminated materials generated by the paper recycling operations at the former Allied Paper mills located in Kalamazoo. The Landfill is one of four on-site landfills that are part of the overall site. The Landfill is divided into several areas. In 1966, one area of the Landfill was originally licensed as a landfill to receive non-process waste. In 1978, this area was licensed as a Type II Landfill and later designated as a Type III Landfill to receive paper residuals and demolition wastes. The Type III landfill is no longer permitted by the state and no longer receives industrial or paper residual material. The other areas within the Landfill were used in the 1950's as dewatering lagoons for process paper residual waste generated by the former Allied Paper mills. These lagoons or disposal areas were not permitted because the disposal of PCB-contaminated residuals occurred prior to the promulgation of the Toxic Substances Control Act (TSCA) regulations. Today, under TSCA regulations, the Superfund program must consult with the TSCA program prior to on-site disposal of PCB-containing material in concentrations greater than or equal to 50 ppm PCB.

When U.S. EPA conducts a response action at a Superfund site, it is required to evaluate federal and state regulations and standards that are applicable or relevant and appropriate requirements (ARARs) to the cleanup action. The need to achieve or waive ARARs, however, differs for remedial actions and removal actions. Remedial actions must attain or waive ARARs. *See* 40 C.F.R. § 300.430(e)(9)((iii)(B). Removal actions must attain ARARs to the "extent practicable considering the exigencies of the situation..." *See* 40 C.F.R. § 300.415(j).

The TSCA chemical landfill requirements of 40 C.F.R. § 761.75 are not an ARAR for any response action at the Kalamazoo River Superfund Site. In 1999, U.S. EPA promulgated the PCB Remediation Waste Rule to address, in part, the disposal of large quantities of dredged material containing PCBs over 50 ppm. The new regulations regarding the disposal of PCB Remediation Waste are found at 40 C.F.R. § 761.61. This regulation creates a mechanism by which U.S. EPA may issue a risk-based disposal approval for PCB Remediation Wastes if it determines that the proposed disposal method does not pose an unreasonable risk of injury to health or the environment. The authority to issue a risk-based disposal approval has been delegated from the U.S. EPA Region 5 Regional Administrator to the Director of the Superfund Division, subject to a requirement for the Director of the Superfund Division to consult with the Waste,

Pesticides & Toxics Division. U.S. EPA Region 5 Superfund Division has procedures in place that it follows to consult with the Waste, Pesticides & Toxics Division when it considers whether to approve risk-based disposal of PCB Remediation Waste.

The current TCRA will allow the disposal of materials containing PCBs over 50 ppm. As such, U. S. EPA considered the requirements of the risk-based disposal provisions in TSCA when evaluating the planned TCRA. In addition when U.S. EPA finalizes the Feasibility Study for the Allied Paper Landfill, we will identify 40 C.F.R. § 761.61(c) as an ARAR for the remedial action. The permanent remedy for the landfill will need to comply with this TSCA ARAR. U.S. EPA has already issued risk-based disposal approval for permanent disposal (i.e. consolidation and capping) of PCB wastes at the 12th Street and the A-site Landfills, and for the disposal of a portion of the Bryant Mill Pond PCB residuals in the Allied Paper Landfill

Will the future disposal and containment of the PCBs at the Allied Paper Landfill be safe for the surrounding public? What are the risks and degree of safety?

EPA is fully confident that the cleanup and disposal approach is safe and effective. The disposal of the materials at the landfill will not increase risks to the surrounding public. The most significant risk for the public at the site is the PCB contamination in fish in the Kalamazoo River. The Plainwell Impoundment cleanup will address some of the highest levels of contamination known in the river and floodplain. This contamination will contribute to continued downstream releases of PCBs unless it is addressed.

What environmental studies and legal processes have been completed to determine whether the intended future use of the Allied Paper Landfill will allow for safe disposal and containment of the PCBs? Will the degree of safety and risks be explained to the public? Are these studies and processes a part of a public record and available for review?

The Landfill has been studied extensively under the Superfund program. Currently the Remedial Investigation (RI) report is under review by U.S. EPA. This report contains a significant amount of data about the site, all of which indicates that the PCBs are not moving off-site in any significant amounts. The PCBs are tightly bound to the paper residuals and soils in the landfill and do not move readily into groundwater. U. S. EPA has reached similar conclusions at the other landfills along the river which also contain paper residual wastes. We will make every effort to explain this to the public as we continue our public outreach efforts. Although the RI report is not available for public release at this time, we have shared the data on groundwater with City officials to provide additional reassurance regarding the levels of PCBs and the direction of groundwater movement at the landfill.

What measures will EPA take to contain the PCBs within the landfill and to prevent the PCBs from migrating to the city's water supply and Portage Creek?

U.S. EPA has allowed the placement of the Plainwell Impoundment materials at the Landfill because site conditions indicate that the addition of these materials will not substantially modify conditions at the Landfill. U.S. EPA believes that the materials will be managed safely at the Landfill.

As a part of the current TCRA, the Plainwell Impoundment material will be placed on top of the existing paper residuals at the Western Disposal Area within the Landfill.

Placement of the Plainwell Impoundment materials in this area is not harmful because:

- The area where the Plainwell Impoundment material will be disposed is outside the 100 year floodplain.
- The Plainwell Impoundment materials will be placed on top of existing paper residuals. The paper residuals, which are made of very dense clay and fiber, are up to 20 feet deep within the Western Disposal Area and were originally from FRDL#3. The permeability of the paper residuals was calculated to be 2.94×10^{-7} to 3.82×10^{-8} centimeter/second, which means water moves very, very slowly through this material.
- Since the time of the permeability tests, paper residuals in the Western Disposal Area are likely to have remained impermeable because the residuals have compacted over time.

As a part of the TCRA, water resulting from settlement of the Plainwell Impoundment materials and storm water that may collect in the area where the Plainwell Impoundment materials are placed will be collected in temporary sediment basins. The collected water will be treated with carbon prior to discharging to the City of Kalamazoo's waste water treatment plant.

A temporary cover, consisting of one foot of soil with vegetation, will be placed over the Plainwell Impoundment materials at the completion of the TCRA. This cover will prevent any erosion of or direct contact with any of the materials from the Plainwell Impoundment until a final cleanup decision is made. A final cleanup decision will be made for the Landfill after U.S. EPA approves the Remedial Investigation and completes Feasibility Study (RI/FS) for the Landfill and a Proposed Plan is made available for public comment.

In addition, groundwater monitoring has been occurring at the Landfill for a number of years. A key objective of the monitoring program has been to gather information on groundwater flow direction and the quality of the groundwater. There are 103 sample points (which are measured monthly) used for determining groundwater flow directions and 57 monitoring wells for evaluating groundwater quality at the site.

There is no reason to believe there is any threat of contamination to the City of Kalamazoo's drinking water supply wells from the Allied Paper Landfill. Based on all available data, groundwater does not travel toward the City of Kalamazoo's drinking water supply wells. Instead, all of the groundwater flow information gathered to date indicates that groundwater underneath the Landfill travels toward and discharges to Portage Creek.

The majority of the Landfill has a groundwater collection system along Portage Creek in front of a sheet pile wall. Groundwater that is collected by this system is treated with carbon prior to discharging to the City of Kalamazoo's waste water treatment plant. No PCBs have been detected coming out of the groundwater capture zone and no PCBs have been detected after carbon treatment prior to discharging to the City of Kalamazoo's waste water treatment plant

What monitoring system will EPA use to ensure that the contaminants are not migrating from the landfill, and to ensure that the city's water supply is safe? If there is a monitoring system, what will the duration of it be?

As indicated above, extensive groundwater monitoring has already occurred at the Landfill. Based on all available data, groundwater does not travel toward the City of Kalamazoo's drinking water supply wells. However, U.S. EPA is committed to ensuring adequate groundwater monitoring will be conducted at the Landfill long-term to ensure groundwater conditions do not change. The duration of the groundwater monitoring program would be determined in the final cleanup decision for the Landfill.

U.S. EPA is also committed to ensuring that adequate maintenance of the temporary cover is conducted to prevent any erosion or direct contact with the Plainwell Impoundment materials until a final cleanup decision is made for the Landfill.

Is the disposal of contaminants at the Allied Paper Landfill a temporary measure, and if so, how many months'/years will the sediments remain in the landfill? What are the criteria to determine if it is temporary or permanent? In 1999, contaminated waste from Bryant Mill Pond was also "temporarily" disposed of at the Allied Paper Landfill site; however this waste still remains in the landfill today. What are the plans for that?

Placement of the Plainwell Impoundment material under the TCRA is considered temporary only in the legal sense that it is not a final cleanup decision. A final cleanup decision for the Landfill will be made in a Record of Decision after the RI/FS is finalized and U.S. EPA's Proposed Plan is made available for public comment. U.S. EPA anticipates completing the RI/FS and making a final cleanup decision for the Landfill within the next 18 to 24 months.

In 1999, the Superfund program conducted a TCRA at the Bryant Mill Pond which is adjacent to the Allied Paper mill. The TCRA included the removal of approximately 150,000 cubic yards of PCB-contaminated materials and placement of the materials at the Landfill in an area called the FRDL#3. The paper residuals within the FRDL#3 were

tested and the permeability calculated. Based on this information, the Superfund program consulted with the TSCA program. The TSCA and Superfund programs agreed that the placement of the Bryant Mill Pond residuals did not present an unreasonable risk of injury to health or the environment.

In evaluating final cleanup alternatives for the Landfill, U.S. EPA and the Michigan Department of Environmental Quality (MDEQ) will consider an alternative that allows for the Plainwell materials, along with the materials already at the Landfill (which include the Bryant Mill Pond TCRA materials and the one million cubic yards of material placed in the Landfill during the 50s, 60s, and 70s) to remain in place. U.S. EPA and MDEQ have already made final cleanup decisions for the other three landfills at the site: King Highway Landfill, 12th Street Landfill and Willow Blvd/A-site Landfill. The final cleanup decisions for all three landfills, which are also located adjacent to the Kalamazoo River and have similar materials as the Allied Paper Landfill, were to contain the materials at the landfills in place. The decision documents along with the Administrative Records for these landfills are publicly available and can be informative on how U.S. EPA's remedy selection criteria are evaluated for sites like the Allied Paper Landfill.

What is EPA's timeframe for the additional cleanup of the rest of the river sections?

U.S. EPA cannot predict when cleanup of the downstream reaches of the river will occur until the Supplemental Remedial Investigation/Feasibility Study (SRI/FS) for the river is completed. However, in accordance with the signed SRI/FS Administrative Order on Consent (AOC), U.S. EPA will develop SRI/FS project start dates for the downstream reaches of the River no later than 18 months from the signing of the AOC. The SRI/FS AOC was signed by U.S. EPA and the PRPs in February, 2007. As such, the SRI/FS project start dates for the downstream reaches will be developed no later than August, 2008. U.S. EPA will make every effort to develop realistic project start dates.

I understand that some safety precautions will be used to wash trucks and roads. What procedures will be used to protect the community from the actual plume that comes from the dust when the materials are dumped from the trucks? How will the outside property (toys, barbecues, vehicles, etc.) of nearby families be protected? Also, are there measures to ensure that children cannot enter the disposal site?

The trucks will be cleaned before leaving the construction and disposal sites to prevent the release of dust while traveling on roads. The material for disposal at the Landfill will contain enough moisture to ensure that it does not generate dust when it is removed from the trucks. Any material which is not moist enough will be dampened at the Landfill before removal from the trucks. There will be no "plume" of dust from the disposal operation and the migration of dust will be monitored regularly to ensure this. Air monitoring at the site perimeter will be conducted to ensure that there are no off-site impacts. As a result, the outside property of nearby residents will be protected.

Security measures to prevent children and other trespassers from entering the site will include the existing chain-link site fence and gates. The landfill will be staffed on a daily basis and inspections of the fence will ensure that any breaches are quickly corrected. Security cameras will also be used. If needed, a security service will be provided.

United States Senate

WASHINGTON, DC 20510-2204

Ms. Mary Gade
Regional Administrator
U.S. Environmental Protection Agency, Region 5
77 W. Jackson Blvd.
Chicago, IL 60604

Dear Administrator Gade,

I am writing regarding the U.S. Environmental Protection Agency's recent decision to dispose of 132,000 cubic yards of sediment from the Kalamazoo River Superfund site at the Allied Paper Landfill in Kalamazoo, MI.

I have been working closely with the EPA, the City of Kalamazoo and the community to address the questions that have been raised and appreciate your agency responding to my request to hold a meeting with the City of Kalamazoo regarding this matter.

While I am pleased to see plans move forward to remove contaminants from the Kalamazoo River, I continue to receive a number of troubling questions from the community regarding the disposal site. It is my understanding that the PCB-contaminated sediments have concentrations of 200 parts per million (ppm), and the site where the sediments are to be disposed of, the Allied Paper Landfill, is not permitted by federal regulations to handle wastes with this concentration of PCBs. As you are aware, this disposal site is inside the Kalamazoo City limits and between two neighborhoods. There are grave concerns regarding the safety of the entire community, especially for the children, families, and seniors who live next to this planned disposal site.

I am specifically asking the EPA to respond to the community's questions regarding this disposal plan:

- 1) Will the future disposal and containment of the PCBs at the Allied Paper Landfill be safe for the surrounding public? What are the risks and the degree of safety?
- 2) What environmental studies and legal processes have been completed to determine whether the intended future use of the Allied Paper Landfill will allow for safe disposal and containment of the PCBs? Will the degree of safety and risks be explained to the public? Are these studies and processes a part of a public record and available for public review?
- 4) What measures will the EPA take to contain the PCBs within the landfill and to prevent the PCBs from migrating to the city's water supply and Portage Creek?

5) What monitoring system will EPA use to ensure that the contaminants are not migrating from the landfill, and to ensure that the city's water supply is safe? If there is a monitoring system, what will the duration of it be?

5) Is the disposal of the contaminants at the Allied Paper Landfill a temporary measure, and if so, how many months/years will the sediments remain in the landfill? What are the criteria to determine if it is temporary or permanent? In 1999, contaminated waste from Bryant Mill Pond was also "temporarily" disposed of at the Allied Paper Landfill site; however, this waste still remains in the landfill today. What are the plans for that?

6) What is EPA's timeframe for additional cleanup of the rest of the river sections?

7) I understand that some safety precautions will be used to wash the trucks and roads. What procedures will be used to protect the community from the actual plume that comes from the dust when the materials are dumped from the trucks? How will the outside property (toys, barbeques, vehicles, etc.) of nearby families be protected? Also, are there measures to ensure that children cannot enter the disposal site?

Due to the critical nature of this matter, I look forward to hearing from you soon. I feel strongly that the Kalamazoo community deserves full protection of their health and welfare and that these questions be satisfactorily addressed before any disposal action is taken.

Thank you for your attention to this serious matter. If you need further information, you may contact my staff, Mary Judnich (Grand Rapids office 616-975-0052) or Chris Adamo (Washington D.C. office 202-224-2683) regarding this matter.

Sincerely,

A handwritten signature in black ink, reading "Debbie Steneau". The signature is written in a cursive, flowing style with a large initial "D".